



Alan C. Lloyd, Ph.D.
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 7695

March 30, 2006

Mr. Raymond Ruminski, Director
Lake County Environmental Health
922 Bevins Court
Lakeport, California 95453

Dear Mr. Ruminski:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of Lake County Environmental Health's Certified Unified Program Agency (CUPA) on June 1st and 2nd, 2005. The evaluation was comprised of an in-office program review and field inspections. The state evaluators completed a Certified Unified Program Agency Evaluation, Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation. I have reviewed the enclosed copy of the Summary of Findings and I find that Lake County Environmental Health's program performance is unsatisfactory with improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures
cc: See next page

Raymond Ruminski

March 30, 2006

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cc: Mr. Raymond Ruminski, Director (Sent Via Email)
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STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.
Agency Secretary

**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS**

Arnold
Schwarzenegger
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CUPA: Lake County Environmental Health

Evaluation Date: June 1st and 2nd, 2005

EVALUATION TEAM

Cal/EPA: Dennis Karidis
SWRCB: Terry Snyder
DTSC: Tom Asoo
OES: Jack Harrah
OSFM: Francis Mateo

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management.

Questions or comments can be directed to Dennis Karidis at 916-327-9558.

| | <u>Deficiencies</u> | <u>Preliminary Corrective Action</u> | <u>Timeframe</u> |
|---|--|--|-------------------------|
| 1 | The CUPA has not ensured that businesses, found to have minor violations, are submitting certifications that indicate the business' return to compliance within the mandated 30 day timeframe. Documentation certifying the businesses return to compliance was not found in any of the business files reviewed. | The CUPA will begin ensuring business' to submit a certification that indicates return to compliance within the mandated 30 day timeframe. | 90 days |
| 2 | The CUPA is not adequately tracking information necessary to accurately complete the annual state summary reports. Currently the CUPA pieces information together using the CMHC and Access databases to complete the summary reports. These databases do not include the tracking of | The CUPA has begun tracking violation information necessary to adequately complete Summary Report 4 using the Access database. | Immediately |

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

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| | <p>violation information needed to adequately complete Summary Report 4. This has led to some inconsistencies in the summary report data. For example:</p> <ul style="list-style-type: none"> • On Summary Report 4 for the 2003-2004 FY, the CUPA reported 85 Hazardous Materials Release Response Plans and Inventory (HMRRP) facilities with violations. Only 10 informal enforcement actions were reported for those 85 HMRRP facilities during the same year. • On Summary Report 4 for the 2003-2004 FY, the CUPA referred 4 civil and 2 criminal cases to the Circuit Prosecutor for HW violations. However, the CUPA has not listed any Class I or II violations over the past three years on Summary Report 4. • On Summary Report 4 for FY's 2001-2004, the CUPA referred 7 civil and 7 criminal cases to the Circuit Prosecutor. No penalties have been included in any of the reports. | | |
| 3 | <p>The CUPA is not regulating agricultural handlers under the HMRRP and Hazardous Waste Generator programs. The CUPA only currently receives restricted use pesticide information from the Agricultural Commissioner office.</p> | <p>The CUPA has passed a fee for agricultural handlers and is in the process of identifying the regulated community.</p> | Evaluate Progress |
| 4 | <p>The CUPA is not inspecting Hazardous Waste Generators under Business Plan threshold quantities.</p> | <p>The CUPA has passed a fee for Hazardous Waste Generators under Business Plan thresholds and is in the process of identifying the regulated community.</p> | Evaluate Progress |
| 5 | <p>The CUPA has not inspected all businesses subject to the HMRRP and Hazardous Waste Generator programs every three years. 19 of 26 business files reviewed did not contain an inspection report from the past three years.</p> | <p>The CUPA has been diverting much of its time to USTs. The CUPA expects to be on target with HMRRP and Hazardous Waste inspections.</p> | 1 year |

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| 6 | <p>The CUPA is not citing violations in a manner consistent with the definitions of Minor, Class II, or Class I as provided in statute and regulation. Facilities that have not corrected minor violations within the required timeframe are not being elevated to a Class II violation.</p> <p>For example:</p> <ul style="list-style-type: none"> • Mt. Konocti Growers had labeling violations found during three consecutive inspections. • The Lake County Fleet Maintenance had violations for storing hazardous waste beyond accumulation timeframes found during two consecutive inspections. | The CUPA will begin classifying violation according to Statute and Regulations. | Immediately |
| 7 | The CUPA has not yet conducted preliminary risk determinations for potential Table III CalARP facilities. | The CUPA will begin preliminary risk determinations for potential table III CalARP facilities (33). | 1 year |
| 8 | The CUPA has not reviewed and revised its Hazardous Materials Area Plan every three years. The CUPA reviewed and revised the area plan in 1986. Another informal review was done in 2000. | The CUPA will review and revise Lake County's Hazardous Materials Area Plan. | 6 months |
| 9 | The CUPA is currently collecting annual certifications of no change from businesses. However, the inventory forms on file do not include all of the information required by OES form 2731. 7 of 10 inventory statements reviewed were on outdated forms. | The CUPA will ensure that all businesses submit an updated inventory form that includes all information required by OES form 2731 through routine inspections. | Ongoing |
| 10 | The CUPA is not ensuring that businesses annually submit an inventory or certification of no change on or before March 1 st . 3 of 10 business files reviewed did not contain current inventories or certification of no change. | The CUPA will ensure that all business submit an inventory or certification of no change on or before March 1 st . | Ongoing |

Certified Unified Program Agency (CUPA)
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| 11 | The CUPA is not ensuring that all businesses submit a Business Activities Page. 8 of 10 files reviewed did not contain a Business Activities Page. | The CUPA will ensure all businesses submit a Business Activities Page through routine inspection. | Ongoing |
| 12 | The CUPA has exempted heating fuel from the HMRRP program without following the exemption process in HSC 6.95. | The CUPA will exempt heating fuel using the exemption process in HSC 6.95. | 6 months |
| 13 | The CUPA's inspection reports do not fully detail all alleged violations and the factual basis for alleging those violations. | The CUPA will begin fully detailing violations. | Ongoing |
| 14 | UST plot plans reviewed did not contain all the required elements. The plot plans are missing the location of where the monitoring is performed. | The CUPA will update the plot plans as part of their annual inspections. | 1 year |

CUPA Representative

RAYMOND RUMINSKI
(Print Name)

Raymond Ruminski
(Signature) 06-02-2003

Evaluation Team Leader

Dennis Karidis
(Print Name)

Dennis Karidis
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA does not meet with the fire agencies on a regular basis.

Recommendation: The CUPA should meet with fire agency representatives on a regular basis.

2. **Observation:** After reviewing several inspection reports the following was found:

- Observations necessary to fully understand the regulated activities at the site should be noted in the inspection report. For example: identifying waste streams, monthly quantities, and location of all accumulation areas.
- Several violations and corrective actions identified in the inspection reports lacked sufficient detail necessary to establish the elements of a violation and the corrective action to be taken. Violations and corrective action language should be clear enough so that a third party can understand.

Recommendation: Utilize the Inspection Report Writing Guidance document that was developed jointly by the CUPA Forum Board and Cal/EPA. Copies can be found on the Cal/EPA Unified Program website.

3. **Observation:** The CUPA has a checklist for hazardous waste inspections, however the checklist is not typically included with the Summary of Violations/Inspections Report left at the facility.

Recommendation: Include the Hazardous Waste Checklist with the Summary of Violations/Inspections Report left at the facility. The checklist gives additional information to the facility on the nature and severity of the violations.

4. **Observation:** The CUPA is not including the classification of hazardous waste violations in the Summary of Violations/Inspections Report left at the facility.

Recommendation: Include the classification of hazardous waste violations in the Summary of Violations/Inspections Report left at the facility. Leaving a Hazardous Waste Checklist with the Summary of Violations/Inspections Report left at the facility would address this observation.

5. **Observation:** The CUPA has not been actively following up on complaint referrals from DTSC. The CUPA had outstanding complaints from August and September of 2004.

Recommendation: Place a higher priority on complaint follow-up. Complaints should be addressed in a timely manner.

6. **Observation:** During the oversight inspection at Guenoc Winery, the CUPA did not confirm the issuance of an EPA ID number. During the file review, it was not evident that the CUPA checked for valid EPA ID numbers.

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Recommendation: The CUPA should always check to see if the facility has been issued an EPA ID number and include it in the Inspection Report (The CUPA's Inspection Report has a space for noting the facility's EPA ID number). Having an EPA ID number is required of all hazardous waste generators. The EPA ID number tracks how a facility is managing and transporting hazardous waste. The CUPA should utilize the Department's Hazardous Waste Tracking System (Available on the internet) to get manifest information on facilities.

Certified Unified Program Agency (CUPA)
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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA routinely attends the Lake County Environmental Crimes Task Force and UST Roundtable meetings.
2. The CUPA consolidates food and water systems inspections with its hazardous materials inspections when encountered.
3. CUPA personnel work cooperatively with fire agencies during hazardous materials incidents and emergency spill responses.
4. The CUPA conducted a thorough UST inspection during the Annual Monitoring Certification. Examples included: testing the functionality of the Emergency Shutoff Switch and requiring the cleaning of under dispenser containments.
5. The CUPA has developed and uses an UST and Secondary Containment testing checklist.
6. The CUPA has an excellent record of UST facility compliance, which reflects on the high attention to detail by the inspector in reviewing UST systems and informing owners/operators of the requirements.
7. The CUPA inspector has created a spreadsheet of Designated Operator (DO) forms submitted with the CA UST System Operator Certification. The CUPA followed up with non-compliant UST owners and has obtained countywide compliance.
8. The CUPA has referred 2 cases to the Circuit Prosecutor this year. A UST case has already been settled and a Hazardous Waste case is currently pending.